

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUN - 1 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	
)	
Performance Measurements and)	CC Docket No. 98-56
Reporting Requirements)	RM-9101
for Operations Support Systems,)	
Interconnection, and Operator Services)	
and Directory Assistance)	

COMMENTS OF WORLDCOM, INC.

June 1, 1998

Catherine R. Sloan
Richard L. Fruchterman
Richard S. Whitt
WorldCom, Inc.
1120 Connecticut Ave., N.W.
Suite 400
Washington, D.C. 20036

Original rec'd
JUN 1 1998

OLG

SUMMARY

WorldCom agrees with the Commission that nondiscriminatory access to an incumbent LEC's OSS, the provision of interconnection that is of equal quality to that which the incumbent LEC provides to itself, and nondiscriminatory access to operator services and directory assistance are fundamental and essential to the growth and development of local telephone competition in the United States. Recognizing the importance of nondiscriminatory access to OSS, WorldCom previously urged the Commission to adopt performance measurements and reporting requirements so that it could be objectively determined whether the incumbent LECs are satisfying their statutory requirements pursuant to Sections 251 and 271 of the Telecommunications Act of 1996.

WorldCom believes that the industry, as well as business users and consumers, will be better served if the Commission were to adopt performance measurement and reporting requirements as part of its rules rather than proposing model rules for states to consider. WorldCom is concerned that the model rule approach may lessen the uniformity of measurements and reporting in ways that may increase the burdens on all parts of the industry. WorldCom is also concerned that it may be more difficult to make necessary changes to performance measurements as the industry's understanding of OSS evolves under the model rule approach. Nevertheless, WorldCom believes that the competitive side of the local telephone marketplace will be better served with the Commission's model rule approach than if no rules or proposals are adopted.

With respect to the specific performance measurements proposed by the Commission, WorldCom generally prefers the measurements put forth by the Local Competition and Users Group, of which it is a member. With that qualification, WorldCom believes, in general, that the measurements proposed by the Commission will greatly assist

competitors and regulators in detecting and remedying discrimination by the incumbent LECs. Worldcom has some specific comments and suggestions regarding several of the Commission's proposals.

With regard to reporting procedures, WorldCom strongly believes that incumbent LECs should be required to file their performance reports with a regulatory agency in addition to providing the reports to competitors or prospective competitors. WorldCom believes that filing the reports with a regulatory agency will lend an air of authority to the reports which may lead to greater compliance.

WorldCom believes that the Commission should address the issue of technical standards for OSS interfaces by requiring, as part of its rules rather than in proposed model rules, an incumbent LEC to implement standards adopted by the industry within a time frame recommended by the standards committee with a default of within six months. Since the goal is to have an uniform national interface, WorldCom believes that the Commission should adopt this as a uniform national policy codified in the Commission's rules. Though WorldCom is certain that the state commissions would handle their responsibilities well in this area, the prospect of even slight variations among the approaches taken by the states might undermine the goal of a uniform national interface.

WorldCom also believes that the Commission should address enforcement mechanisms for an incumbent LEC's failure to provide measurements and reports, and for failing to provide nondiscriminatory access to OSS.

Finally, WorldCom recommends that the Commission consider an expedited means to amend either its rules regarding performance measurement and reporting (or the model rules if that approach is taken) as may be required as the industry gains further understanding of OSS, interconnection, OS/DA and related issue.

TABLE OF CONTENTS

	<u>PAGE</u>
SUMMARY	i
I. INTRODUCTION	1
II. THE COMMISSION SHOULD ADOPT NATIONAL RULES RATHER THAN MODEL RULES THAT STATES MAY CHOOSE TO ADOPT	3
A. The Model Rules Approach Will Impose Additional Costs on Incumbents and Competitors	4
B. National Rules Allow for More Flexibility than Model Rules to be Adopted by the States	5
C. Having Model Rules Put Forward by the Commission is Better Than Having No Rules or Guidelines At All	6
III. PROPOSED PERFORMANCE MEASUREMENTS AND REPORTING REQUIREMENTS	7
A. General Issues	7
1. Balance Between Burdens and Benefits	7
2. Geographic Level For Reporting	10
3. Scope of Reporting	11
4. Relevant Electronic Interfaces	12
B. Proposed Measurements	12
1. Pre-Ordering Measurements	12
2. Ordering and Provisioning Measurements	13
3. Repair and Maintenance Measurements	14
4. Billing Measurements	15

5.	General Measurements	16
6.	Interconnection Measurements	16
IV.	REPORTING PROCEDURES	18
A.	Receipt of Reports	18
B.	Frequency of Reports	20
C.	Auditing Requirements	20
V.	OTHER ISSUES	21
A.	Technical Standards	21
B.	Enforcement Mechanisms	24
VI.	THERE MUST BE A METHOD FOR MODIFYING THE RULES ADOPTED BY THE COMMISSION WITH RESPECT TO PERFORMANCE MEASUREMENT AND REPORTING	24
VII.	CONCLUSION	26

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Performance Measurements and)	CC Docket No. 98-56
Reporting Requirements)	RM-9101
for Operations Support Systems,)	
Interconnection, and Operator Services)	
and Directory Assistance)	

COMMENTS OF WORLDCOM, INC.

In response to the Notice of Proposed Rulemaking¹ in the above-captioned proceeding, released on April 17, 1998, WorldCom, Inc. ("WorldCom"), by its attorneys, respectfully submits the following comments.

I. INTRODUCTION

WorldCom fervently believes that nondiscriminatory access to the operations support systems ("OSS") of incumbent local telephone companies ("ILECs," "incumbent LECs" or "incumbents") is one of the most important keys to unlocking, and ultimately undoing, the incumbents' local telephone monopolies. For that reason, WorldCom strongly supported the petition for expedited rulemaking² filed over a year ago by LCI International

¹ Notice of Proposed Rulemaking, In the Matter of Performance Measurements and Reporting Requirements for Operations Support Systems, Interconnection, and Operator Service and Directory Assistance, CC Docket No. 98-56, RM-9101, released April 17, 1998 ("Notice").

² Petition for Expedited Rulemaking to Establish Reporting Requirements and Performance and Technical Standards for Operations Support Systems, jointly filed by LCI

Comments of WorldCom, Inc.
June 1, 1998

Telecom Corp. ("LCI") and the Competitive Telecommunications Association ("CompTel")³ which ultimately led to the above-captioned rulemaking proceeding. Among other things, the LCI/CompTel Petition requested the Commission "to establish: (1) performance measurements and reporting requirements for the provision of OSS functions; (2) default performance standards or benchmarks that would apply when an incumbent LEC fails, or refuses, to report on its performance; (3) technical standards for OSS interfaces if industry fora fail to adopt standards for OSS interfaces by a date certain, and (4) remedial provisions that would apply to non-compliant incumbent LECs."⁴ WorldCom believed, and continues to believe, that all of these steps are necessary to promote efficient competition in the local telecommunications marketplace.

In the Notice, the Commission focuses almost exclusively on the performance measurements and reporting requirements aspect of the LCI/CompTel Petition while barely treating the other three areas. In this regard, WorldCom does not believe the Commission's Notice is as broad as it could be and, for that reason, will not benefit local competition to the degree WorldCom had hoped when it supported the full LCI/CompTel petition last summer.

WorldCom is also concerned that the Commission has proposed to adopt performance measurement and reporting requirements as model rules for states to adopt rather than legal binding rules adopted by the Commission. WorldCom is concerned that the

and CompTel on May 30, 1997 ("LCI/CompTel Petition").

³ See WorldCom Comments.

⁴ Notice at ¶20.

Commission's "model rules" approach will undermine national, and even regional, uniformity, which may ultimately increase the costs to incumbents and competitors alike.

Despite these shortcomings, WorldCom believes that the Commission has done quite well in the area of the Notice's primary focus: performance measurements and reporting requirements. It is evident from the Notice that the Commission expended a great deal of effort in striving to balance the needs of competitors and regulators to have sufficient information to determine whether OSS, interconnection, and operator services and directory assistance ("OS/DA") are being provided in a nondiscriminatory manner with the burdens that such measurement and reporting will place on the incumbents. WorldCom believes that the small but necessary burden placed on the incumbent LEC by the Commission's proposed performance measurements and reporting requirements will be more that offset by the assistance that they will provide competitors and regulators in detecting and eliminating discrimination.

WorldCom urges the Commission to adopt its proposed performance measurements and reporting requirements with the changes discussed below.

II. THE COMMISSION SHOULD ADOPT NATIONAL RULES RATHER THAN MODEL RULES THAT STATES MAY CHOOSE TO ADOPT

The Notice begins by stating "[i]n this proceeding, we explore ways to advance a fundamental goal of the Telecommunications Act of 1996 -- to increase consumer choice by fostering competition in the provision of local telephone service."⁵ The

⁵ Notice at ¶1.

Commission then relinquishes much of its responsibility for fulfilling this goal to the state public utility commissions by proposing to adopt "model" rules for states to consider adopting rather than legally binding national rules.⁶ WorldCom strongly believes, with all due respect to state commissions, that the adoption of legally binding national rules is the most efficient way to foster local telephone competition throughout the country. WorldCom urges the Commission to reconsider its tentative conclusion regarding the adoption of model rules.

A. The Model Rules Approach Will Impose Additional Costs on Incumbents and Competitors

Although the Commission's model rules approach is well-intended, the lack of uniform national rules will impose significant additional costs on both incumbent LECs and upon new entrants. With the model rule approach, states are left to develop their own rules using the FCC model as a guideline. As a result, it is likely that different states will adopt differing sets of performance measurement and reporting requirements. Since many incumbents provide service in several different states using a region-wide OSS system, these incumbents may have to develop a differing performance measurements and reports for each of the different states within which they serve. This could substantially increase the cost to incumbents of measuring and reporting their performance. A single set of national rules would eliminate the potential for this problem.

⁶ Notice at ¶4.

The model rules approach also increases the regulatory costs to new entrants. Where a single set of national rules would only have to be hammered out once, under the model rules approach, a competitive local exchange carrier will have to work with each and every state commission in the areas it serves to adopt the Commission's model rules. This will place a significant strain, not only on regulatory resources, but also on the experts who are charged with making these systems work. Moreover, the incumbents are likely to resist the imposition of such performance measurements and reporting requirements, and will, at a minimum, attempt to water down the version of the rules adopted by each state. Although the Commission may adopt rules that it believes strike the appropriate balance between detecting discrimination and burdening the incumbents, state proceedings to adopt performance measurements and reporting requirements will provide the incumbents with a fresh opportunity to weaken the Commission's model.

In addition, just like the incumbents, the new entrants will suffer increased costs in trying to monitor performance reports that could vary significantly from state to state. As states adopt different standards, different levels of disaggregation, and different reporting requirements, the complexity of tracking the performance ILECs will become increasingly difficult and as a consequence more costly.

B. National Rules Allow for More Flexibility than Model Rules to be Adopted by the States

Another concern with the model rules approach is that it will be more difficult to obtain necessary changes to performance measurements and reporting requirements quickly

Comments of WorldCom, Inc.
June 1, 1998

and uniformly should that become necessary. Nondiscriminatory access to OSS is not a static concept. The industry's knowledge regarding the components of OSS, as well as what it means to provide nondiscriminatory access or a reasonable opportunity to compete is constantly evolving. In the future, it may become necessary to remove performance measurements that have out-lived their usefulness or to add measures that become necessary in order to ferret out discrimination.

If there was a single set of national rules, the Commission could readily amend those rules, on its own motion or in response to a petition, to accommodate the inevitably necessary changes. Under the model rules approach, although the Commission will have the same ability to amend its model rules, the legally effective state rules could only be changed on a state-by-state basis. This significant undertaking will be difficult, time-consuming and increase the cost to the industry.

C. Having Model Rules Put Forward by the Commission is Better Than Having No Rules or Guidelines At All

Despite WorldCom's firmly held view that local telephone competition would be fostered more readily with national rules adopted by the Commission, WorldCom also believes that local competition will be better off with the Commission's proposed model rules than with the absence of any guidelines for the states to consider. The Commission's proposed model rules can be completely adopted by some state commissions while others can use the Commission's model as a starting place. Therefore, although WorldCom would much prefer the adoption of legal binding national rules for the measurement and reporting

of OSS, interconnection, and operator services and directory assistance performance, WorldCom urges the Commission, at a minimum, to adopt the model rules approach.

III. PROPOSED PERFORMANCE MEASUREMENTS AND REPORTING REQUIREMENTS

In general, WorldCom agrees with the proposed performance measurements contained in Appendix A of the Notice. It should be noted that WorldCom is a member of the Local Competition Users Group ("LCUG"). Although WorldCom would prefer that the Commission adopt the LCUG's proposed measurements,⁷ WorldCom believes that the proposed measurements strike a good balance between detecting discrimination and limiting the reporting burden of the ILECs. In this section of its comments, WorldCom will discuss its views on some of the specific performance measurements and attempt to address some of the questions posed by the Commission. For convenience, WorldCom will follow the order in which the Commission addressed these issues in the Notice.

A. General Issues

1. Balance Between Burdens and Benefits

As stated above, WorldCom believes the performance measurements proposed by the Commission in Appendix A of the Notice, as well as the reporting requirements proposed by the Commission, strike an appropriate balance between the need for competitors and regulators to detect discrimination and unduly burdening incumbent LECs. It should be

⁷ See Local Competition Users Group Service Quality Measurements Version 6.1 (Sept. 26, 1997)("LCUG SQM v.6.1").

Comments of WorldCom, Inc.
June 1, 1998

beyond question at this date that nondiscriminatory access to the incumbents' OSS, interconnection, and OS/DA is a fundamental necessity for local telephone competition to progress. In August of 1996, the Commission found that:

[I]f competing carriers are unable to perform the functions of pre-ordering, ordering, provisioning, maintenance and repair, and billing for network elements and resale services in substantially the same time and manner that an incumbent can for itself, competing carriers will be severely disadvantaged, if not precluded altogether, from fairly competing. Thus, providing nondiscriminatory access to these support systems functions, which would include access to the information such systems contain, is vital to creating opportunities for meaningful competition.⁸

Yet almost two years after the Commission issued the order containing those words, and almost eighteen months after the Commission's January 1, 1997 deadline for the incumbents to provide nondiscriminatory access to their OSS, it is apparent that the incumbent LECs are still not providing the new entrants still with the nondiscriminatory access that they desperately need. Thus, the new entrants are "precluded altogether from fairly competing" in the local marketplace.

It is essential therefore that competitors and regulators be given the tools necessary to determine when and where discrimination exists. The performance

⁸ Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, CC Docket No. 96-98, First Report and Order, 11 FCC Rcd 15499, 15658, ¶518 (emphasis added)(1996)(Local Competition First Report and Order), aff'd in part and vacated in part sub nom. Competitive Telecommunications Ass'n v. FCC, 117 F.3d 1068 (8th Cir. 1997) and Iowa Utilities Bd. v. FCC, 120 F.3d 753 (8th Cir. 1997), writ of mandamus issued sub nom. Iowa Utilities Bd. v. FCC, No. 96-3321 (8th Cir. Jan. 22, 1998), petition for cert. granted, Nos. 97-826,97-829,97-830,97-831,97-1075,97-1087,97-1099, and 97-1141 (U.S. Jan. 26, 1998)(collectively, Iowa Utils. Bd.).

Comments of WorldCom, Inc.
June 1, 1998

measurements and reporting requirements that the Commission has proposed are among those necessary tools.⁹

In the face of abundant evidence that the incumbents are not fulfilling their statutory obligation to provide nondiscriminatory access to network elements, including OSS and OS/DA, and to provide interconnection that is equal in quality to that provided to themselves, it cannot be said to be unduly burdensome for the incumbents to collect and report data to determine whether they are meeting their statutory obligations. If the incumbents, who possess all of the necessary data, do not measure and report their performance in a manner that can detect discrimination, the burden will continue to be on competitors, who have very little of the necessary data, to demonstrate the unequal treatment they are receiving. The status quo is a very inefficient process that results in discrimination going undetected and unresolved. Ultimately, the consumer bears the cost through diminished choices for local telephone services.

⁹ In addition to performance measurements and reporting requirements, which may enable competitors to detect discrimination, the most important tool for establishing local competition is the willingness and determination of the Commission and its state counterparts to enforce Section 251 and, where applicable, Section 271 of the Telecommunications Act of 1996.

2. Geographic Level For Reporting

WorldCom continues to believe that "performance measurements should be reported on a geographically relevant basis -- market by market."¹⁰ New entrants are competing with the incumbent LECs on a market by market basis, with the obvious result that discrimination is occurring on a market by market basis. Performance measurements and reporting requirements will have the best opportunity to detect that discrimination if designed for the same level on which the discrimination is occurring.

The fact that Bell Operating Company applications to enter the interLATA market are evaluated on a state-wide basis, both by state commissions and the FCC, may lend some misplaced impetus to having performance measurements and reporting requirements also done on a state-wide basis. The Commission should resist this temptation. Although performance measurements and reporting requirements will be a useful tool in the Section 271 process, their primary use will be to detect discrimination by incumbents against competitors. If performance is measured and reported on a state-wide basis, the reports will work against that goal. The aggregated state-wide results could very well mask what is taking place in the markets where competition is occurring. In fact, such state-wide reporting may give the incumbent LECs the perverse incentive to hide the superior service that they provide to themselves in competitive areas by degrading their quality of service in areas where they do not face competition.

¹⁰ WorldCom Comments on LCI/CompTel Petition at 9. WorldCom notes that this is similar to the MSA geographic reporting level recommended by LCUG in the LCUG SQM v.6.1 at 5.

For most measurements, WorldCom does not believe that any smaller geographic level of reporting would be helpful. Requiring reports by end office, for example, would make the management of the reporting unnecessarily difficult for all concerned. In order to best detect discrimination, the Commission should adopt a market approach using MSAs as recommended by LCUG.

3. Scope of Reporting

In the Notice, the Commission tentatively concluded that "an incumbent LEC should report separately on its performance as provided to: (1) its own retail customers; (2) any of its affiliates that provide local exchange service; (3) competing carriers in the aggregate; and (4) individual competing carriers."¹¹ As the Commission notes in footnote 47 of the Notice, this is the scope of reporting to which Bell Atlantic agreed as one of its merger commitments and this is the scope that was advocated by many parties, including WorldCom, in their comments on the LCI/CompTel Petition. This level of disaggregation will be of great assistance to both competitors and to regulators in using the performance measurement reports to detect discrimination by the incumbents. In particular, it will enable individual competitors to examine how the incumbent's performance to them compares to both the incumbent's performance to itself and to other competitors as a whole.

¹¹ Notice at ¶39.

4. Relevant Electronic Interfaces

WorldCom believes that an incumbent LEC should be required to provide performance reports for all electronic interfaces that it provides to competitors. Some competitors may choose to continue using a GUI-based system, rather than shifting to an EDI-based system, for reasons of size or economics. Nevertheless, these competitors are entitled to nondiscriminatory access to OSS, interconnection and OS/DA and should have the tool of performance reports to assist them in detecting discrimination. WorldCom agrees with the Commission's tentative conclusion that, to the extent that an incumbent reports on performance for more than one interface, it should disaggregate the data by interface type.

B. Proposed Measurements

In general, although WorldCom prefers the measurements put forward by LCUG, it can support the Commission's proposed measurements and can agree with many of the Commission's tentative conclusions. In the interest of time and space, WorldCom will not go through each of those points of agreement here, but instead will attempt to address some of the questions posed by the Commission in the Notice.

1. Pre-Ordering Measurements

WorldCom believes that incumbent LECs should be required to measure and report the speed by which they provide rejected query notices to competing carriers as well as to themselves.¹² If the incumbent delays sending a rejected query notice, the new

¹² Notice at ¶45.

entrants representative is left hanging, not knowing whether a response will be forthcoming. As the Commission noted, pre-ordering information is often retrieved while a customer is on the line.¹³ Long hold times followed by the need to resubmit the query will be frustrating to customers and competitors alike. In addition, the inefficiency created by repeated delay of rejected query notices will force the new entrant to have a larger than otherwise necessary work force. The incumbents should report this information so that potential discrimination can be detected and eliminated.

2. Ordering and Provisioning Measurements

WorldCom believes that the disaggregation for measuring and reporting ordering and provision performance as put forth by the LCUG SQM 6.1 will provide competitors and regulators with the best chance for detecting discrimination by an incumbent. Nevertheless, WorldCom can support the level of disaggregation put forward by the Commission in Appendix A of the Notice. WorldCom does believe, however, that reporting in the unbundled loop category should be broken down by the different types of loops. This will enable competitors to determine whether they are being discriminated against with respect to one type of loop, discrimination that would be hidden if all loops are aggregated.¹⁴

¹³ Notice at ¶43.

¹⁴ See Notice at ¶50.

WorldCom also believes that it is appropriate for interconnection trunks to be in a separate measurement category from transport links.¹⁵ Poor performance with respect to interconnection trunks will have a wide-spread effect on the new entrant and its customers. All of the competitor's customers would experience difficulty making or receiving calls. Blockage on interconnection trunks can become so severe that the new entrants are forced to curtail sales in order not to jeopardize existing customers. Clearly, poor interconnection performance deprives competitors of a meaningful opportunity to compete. A requirement that incumbents measure and report on their interconnection trunking will help to detect and hopefully remedy poor performance which can have an adverse effect on competition.

It would be useful to include an additional interconnection measurement to determine the incumbent's responsiveness in ordering interconnection trunks from the new entrant. Often, when a new entrant anticipates an increase in traffic -- due to a new customer, for example -- the new entrant signals the incumbent LEC of the incumbent's need to order additional from the new entrant. WorldCom's experience is that incumbents often do not act on this request.

3. Repair and Maintenance Measurements

For the reasons described above, WorldCom believes that repair and maintenance measurements should be disaggregated in the same manner as ordering and

¹⁵ See Notice at ¶51.

provision.¹⁶ Aggregating to a higher level will potentially mask some forms of discrimination.

In addition, incumbent LECs should be required to report on the Percentage of Customer Troubles Resolved Within the Estimated Time with respect to interconnection trunks.¹⁷ As noted above, problems with interconnection trunks can have a severe impact on a new entrant's entire customer base. Since the potential for discriminatory treatment exists, competitors should have the opportunity to detect that discrimination.

4. Billing Measurements

WorldCom supports the Commission's proposed performance measurements for billing as a means of determining whether a competitor is getting nondiscriminatory access to billing information.¹⁸ With respect to the Average Time to Provide Usage Measurement, WorldCom believes that the measurements and reports should be disaggregated into the local usage, exchange access usage, and alternately billed usage because these are separated in the billing process. Measuring billing performance in an aggregated manner may only serve to hide discrimination that is occurring in one area. A delay in the provision of information pertaining to any of these three categories will have an adverse effect on competitors.

¹⁶ See Notice at ¶81.

¹⁷ See Notice at ¶85.

¹⁸ See Notice at ¶¶88-90.

WorldCom also believes that Average Time to Deliver Invoices should be measured as outlined in Appendix A and that the "retail use" measure suggested by LCUG is the appropriate comparison for the incumbent to measure and report. Finally, it is WorldCom's belief that wholesale bill invoices and unbundled element bill invoices should be measured and reported separately.

5. General Measurements

WorldCom agrees with the Commission's tentative conclusions with respect to the performance measurement and reporting of systems availability, center responsiveness, and OS/DA.¹⁹ Nondiscriminatory access in each of these areas is important to the development of local competition and the measurements proposed by the Commission will assist in ferreting out possible discrimination.

6. Interconnection Measurements

WorldCom strongly agrees with the Commission that the incumbent LECs must measure and report on various aspects of their provision of interconnection to competing carriers.²⁰ The ability to have an efficient flow of traffic between the new carrier's network and an incumbent LEC's network through interconnection trunks and collocation facilities is essential to the success of local competition. If a competitor's

¹⁹ Notice at ¶¶91-94.

²⁰ See Notice at ¶¶95-103.

customer cannot make calls to end users served by the incumbent or cannot receive calls from those end users, those customers will not long remain with the competitor.

WorldCom believes that measuring and reporting on trunk blockage would be particularly useful in determining whether an incumbent LEC is providing its competitors with interconnection that equals the level of quality used in the incumbent LEC's own network. WorldCom also believes that the Commission is correct to propose that the incumbents measure blockage on interconnection trunks²¹ and blockage on common trunks. Clearly, the incumbent LECs should report any blockage on these trunks that exceeds generally acceptable engineering standards -- such blockage would be plainly unacceptable.²² In addition, however, the blockage on interconnection trunks and common trunks should be compared to the blockage experienced in the incumbent's own network. WorldCom agrees with ALTS that this comparison should be done by measuring the blockage on trunk groups between incumbent LEC end offices and between an end office and the incumbent's local tandems and access tandems.

²¹ It should be noted that the incumbent LEC will only be able to report on interconnection trunk blockage for calls originating on the incumbent's network. The measure is important nonetheless because competitors, who can only measure interconnection trunk blockage for calls that originate on their networks, have no visibility to the blockage that is taking place on the incumbent's side of the interconnection point.

²² Although interconnection performance reporting should be done in conjunction with the incumbent's monthly reports, the incumbents should also be required to inform their competitors immediately if blockage on the incumbents' side of the network is threatening to exceed engineering standards. The ability to receive calls is too fundamental to local competition to wait a month to get a report on blockage that has already been affecting customers for weeks.

WorldCom also believes that requiring incumbent LECs to measure and report call completion rates would be another useful tool to detect interconnection discrimination. As the Commission suggests, the incumbent would compare the percentage of calls completed from the incumbent's customers to competing carrier customers with the percentage of calls completed by incumbent LEC customers to other incumbent LEC customers.

WorldCom also believes that it would be useful and appropriate for the model rules to require the incumbent LECs to measure and report on their performance in providing collocation to their competitors. The three measures proposed by the Commission will be of tremendous help in this regard.²³

IV. REPORTING PROCEDURES

A. Receipt of Reports

First and foremost, WorldCom believes that any performance reports must be filed with an appropriate regulatory agency. WorldCom understands that the Commission will be uncomfortable ordering such filings to be made either at the state commissions or at the Commission, given the tentative conclusion to propose model rules. Nevertheless, WorldCom urges the Commission to make a strong recommendation with its model rules that states require such reports to be filed with a regulatory agency. Requiring reports to be filed with a regulatory agency will lend a air of authority to them that will help to ensure that the

²³ Notice at ¶102.

Comments of WorldCom, Inc.
June 1, 1998

measurements are performed in the manner required and reports are made in a timely fashion.²⁴

A competing carrier should receive reports that for each measurement show: (1) the incumbent LEC's performance with respect to itself; (2) the incumbent LEC's performance with respect to any affiliates; (3) the incumbent LEC's performance with respect to its competitors in the aggregate; and (4) the incumbent LEC's performance with respect to that individual competing carrier. The competing carrier should be the only entity that receives this last report. Each competing carrier would receive a report on the incumbent's performance with respect to itself. Only the aggregate measurement results for competitors would need to be filed with a regulatory agency or made available to the general public.²⁵

WorldCom disagrees with the Commission's tentative conclusion that only carriers that already obtain services or facilities from the incumbent LEC through an interconnection agreement or statement of generally available terms should have the opportunity to receive reports.²⁶ In addition to those carriers, WorldCom believes that prospective new entrants should be entitled to request an incumbent's recent performance reports comparing the incumbent's performance to itself or its affiliates with its performance to competitors in the aggregate. This information will be very helpful to a new entrant as it sets up its new business -- this sort of information is fundamental to establishing a business

²⁴ See Notice at ¶108.

²⁵ See Notice at ¶110.

²⁶ Notice at ¶106.

environment. Certainly in a competitive environment, a vendor would provide this type of information to a prospective customer.

B. Frequency of Reports

Incumbent LECs should be required to file reports and provide them to competing carriers on a monthly basis. Filing with less frequency, such as quarterly, would allow discrimination, even when unintended, to go undetected for too long. Monthly reports will enable both the competitors and the incumbents to catch and correct problems at their early stages. In addition, monthly reporting will better serve other regulatory purposes such as a RBOC demonstrating compliance with the nondiscrimination provisions of Section 251 in the context of a Section 271 proceeding.²⁷

C. Auditing Requirements

In order to ensure compliance with the measurement and reporting rules, the incumbent LECs' performance reports must be subject to periodic auditing. This is particularly critical where, as here, the incumbents are the only parties with access to all of the data necessary to verify the reports and their methodology. Unfortunately, this is analogous to the classic situation of the fox guarding the hen-house. If an incumbent falls short in a particular area it will have a tremendous, perhaps overwhelming, incentive to

²⁷ See Notice at ¶112.